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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,707	06/11/2001	Patrick G. Ryan	19042/00101	3980
26116	7590	10/05/2006	EXAMINER	
SIDLEY AUSTIN LLP 717 NORTH HARWOOD SUITE 3400 DALLAS, TX 75201			JARRETT, SCOTT L	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/878,707

Applicant(s)

RYAN ET AL.

Examiner

Scott L. Jarrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19,22,23,27,29 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19,22,23,27,29 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 19, 2006 has been entered.

Applicant's amendment amended claims 22-23, 27 and 29 and canceled claims 20-21, 24-26, 28 and 30-32. Currently claims 1-19, 22-23, 27, 29 and 33 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-19, 22-23, 27, 29 and 33 have been considered but are moot in view of the new ground(s) of rejection.

Abstract

3. The abstract of the disclosure is objected to because it is longer than 150 words.

Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Title

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: System and Method for Marketing Products Bought and Sold Between Dealers and Suppliers Based on Market Demand and Dealer Inventory Data.

Double Patenting

5. Claims 1-19 of this application conflict with claims 1-19, respectively, of Application No. 11/489,330. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claims 1-19 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-19, respectively, of copending Application No. 11/489,330. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-19, 22-23, 27, 29 and 33 are rejected under 35 U.S.C. 102(a) as being anticipated by PriceDrive.com features, capabilities and/or characteristics of PriceDrive being disclosed in at least the following references:

I. Etensity Launches Innovative Wireless Solution for B2B Auto Exchange

(August, 2000), herein after reference A;

II. PriceDrive.com Web Pages (August/October 2000), herein after reference B;

III. PriceDrive.com Web Pages (April, 2001), herein after reference C;

IV. PriceDrive.com Web Pages (May, 2001), herein after reference D; and

V. Hall et al., U.S. Patent Publication No. 2002/0194051, herein after reference

'051.

Regarding Claim 1 PriceDrive teaches a system and method for marketing products, which are purchase and sold by dealers and are provided by suppliers, comprising (reference A: Page 1; reference B: Paragraphs 10-11, Page 7; Paragraphs 1-2, Page 8; reference C: Paragraph 2, Page 1; reference D: Paragraph 1, Page 2; Paragraph 1, Page 3; Paragraph 1, Page 4; Page 23; reference '051: Abstract;

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Paragraphs 0007-0008, 0034, 0042-0043, 0048-0052, 0090, 0094; Figures 3a-3c, 11-15, 17a-17b):

- collecting inventory information on a recurring (periodic, regular, scheduled, etc.) basis for each of a plurality of product classes (types, categories, styles, groups, etc.) from each of a plurality of the dealers (reference B: Paragraphs 1-2, 10-11, Page 7; reference C: Paragraphs 2, 4, Page 1; Page 4; Bullet 4, Page 6; reference D: Paragraph 1, Page 3; reference '051: Paragraphs 0042-0043);

- determining, for each dealer, a current demand for one or more product classes based on the dealer inventory information and dealer inventory profile (reference C: Page 3; reference D: Paragraph 1, Page 3; reference '051: Paragraphs 0048-0052; Figure 2);

- aggregating the demands for each of the product classes respectively (reference D: Paragraph 4, Page 1; reference '051: Paragraphs 0042-0043, 0079);

- for each of the product classes, comparing the corresponding demands to a threshold set of values for determining that ones of the product classes which have demand exceeding the threshold (goal, target, ideal, etc.) values (reference D: Paragraph 1, Page 3; Paragraph 1, Page 5; reference '051: Paragraphs 0048, 0051, 0055, 0057);

- obtaining from the suppliers information identifying a supply of the products available for sale for each of the determined product classes (reference D: Paragraph 3, Page 3; reference '051: Paragraphs 0042-0043);

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- designating a market (auction, potential sale/deal/trade, sale, etc.) for each of the determined ones of the product classes (reference B: Paragraph 4, Page 8; reference C: Paragraph 2, Page 1; reference D: Paragraph 1, Page 3; Paragraph 1, Page 4; Paragraph 1, Page 5; Paragraph 5, Page 11; Page 24; reference '051: Paragraphs 0008, 0034); and

- notifying, for each market, the dealers who have a demand for the product class of the market (reference B: Paragraph 3, Page 2; reference C: Bullet 6, Page 6; reference D: Paragraph 1, Page 3; Paragraph 7, Page 11; reference '051: Paragraph 0056).

204 L	206 L	208 L	210 L	212 L	214 L	216 L
To Do List	Daily Reports	Dealer Inventory	Appraisal Activity	Retail Showroom	Wholesale Center	Buy List
Welcome to Pricedrive						
Wholesale Center (9 vehicles)						
302 Year	304 Make	306 Model	308 Stock	310 Mileage	312 Color	314 #
Dealership Vehicles Market Vehicles						320 Best Bids Buyer's
1996	DODGE	NEON-4	H3256B	128192	BLUE	0
1994	CHRYSL	NEW YOR	A14514	87048	BROWN	0
2000	MAZDA	MX-5 MI	P3241	8752	SILVER	0
1999	FORD	CONTOUR	P3245	32165	GREEN	0
1995	FORD	RANGER-	A14549	39840	BLACK	0
1993	PONTIA	BONNEVI	H3262B	142332	BURGUNDY	0
1986	BUICK	ELECTRA	A14505B	120461	SILVER	0
1994	FORD	ESCORT-	H3278B	135980	RED	0
1998	NISSAN	ALTIMA-	A14382	80511	BEIGE	0

Figure 1: '051, Figure 3(a)

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Retail Sales Trends

492 494 406 408

Make* [M17]	Model* [M17]	Metrics [M17]	Qty Sold Last 6 mo	Qty Sold Last 90 days	Qty Sold Last 60 days	Qty Sold Last 30 days	Current Stock
	826		72	50	38	29	10
	PROTEGE-4 CYL		28	17	15	7	8
MAZDA	MPV-V6		21	16	11	6	1
	MILLENNIA-V6		17	11	8	7	3
	B SERIES PICKUP		7	3	3	3	1
FORD	CONTOUR-4 CYL		5	4	2	2	0
JEEP	GRAND CHEROKEE-6 CYL		5	2	2	1	1
CHEVROLET	MALIBU-V6		3	2	2	0	0
MERCURY	SABLE-V6		3	2	2	1	0
TOYOTA	CAMRY		3	1	1	1	0
ACURA	TL-6 CYL		2	2	2	2	0
FORD	TAURUS-V6		2	1	1	0	0
FORD TRUCK	EXPLORER-V6		2	1	0	0	0
MAZDA	MX-5 MIATA-4 CYL		2	1	1	1	1
MITSUBISHI	GALANT-4 CYL		2	2	2	0	0
NISSAN/DATSUN	SENTRA-4 CYL		2	2	1	0	0
TOYOTA	COROLLA-4 CYL		2	1	1	0	0
BUICK	REGAL CUSTOM-V6		1	0	0	0	0
CHEVROLET	LUMINA-V6		1	0	0	0	0
CHEVROLET TRUCK	S10 PICKUP-V6		1	1	1	1	0
CHRYSLER	300M-V6		1	0	0	0	0
	CIRRUS		1	1	0	0	0
HONDA	ACCORD		1	0	0	0	0
	PASSPORT-V6		1	1	0	0	0
HYUNDAI	TIERRA-4 CYL		1	0	0	0	0
JEEP	GRAND CHEROKEE-V6		1	1	0	0	0
MAZDA	B4000 PICKUP-V6		1	0	0	0	0
	TRIBUTE		1	1	1	0	0
MERCURY	MYSTIQUE-4 CYL		1	0	0	0	0
MITSUBISHI	MIRAGE-4 CYL		1	0	0	0	0
NISSAN/DATSUN	MAXIMA-V6		1	0	0	0	2

Figure 2: '051, Figure 4

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Vehicles to Watch

614 616 618 620 612 602 624 626

(Rows: 10 Columns: 4)

Stock Number	Year	Make	Model	Warning	Metrics	Days in Stock	Avg Days in Stock	Avg Gross Profit	Avg ROI
A14591	1999	VOLKSWAGEN	NEW BEETLE-4 CYL	No History Available	604	17	N/A	N/A	N/A
A14414	1998	SUBARU	FORESTER-4 CYL	No History Available		18	N/A	N/A	N/A
P3292	2000	FORD	FOCUS-4 CYL	No History Available		0	N/A	N/A	N/A
H3279	1999	MAZDA	B2500 PICKUP-4 CYL	No History Available		6	N/A	N/A	N/A
H3217B	1993	FORD	ESCORT	No History Available		1	N/A	N/A	N/A
H3296	1998	NISSAN/DATSUN	MAXIMA-V8	Below Minimum ROI	606	0	44	\$ 355	19%
H3289	1996	NISSAN/DATSUN	MAXIMA-V8	Below Minimum ROI		0	44	\$ 355	19%
P3241	2000	MAZDA	MX-5 MIATA-4 CYL	Add Description Over Age - Wholesale	608 610	64	33	N/A	31%
H3283	1997	MAZDA	MX-5 MIATA-4 CYL	Below Minimum ROI		6	33	N/A	31%
P3245	1999	FORD	CONTOUR-4 CYL	Add Description Over Age - Wholesale		50	18	\$ 1,548	N/A

Figure 3: '051, Figure 6

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802 Stock	804 Year	806 Make	808 Model	810 Mileage	812 Current Days In Stock	814 Avg. Gross Profit	816 Avg. ROI %	818 Warning	820 Move to WC?
H3217B	1993	FORD	ESCORT		1	N/A	N/A	No History Available	<input type="checkbox"/>
P3282	2000	FORD	FOCUS-4 CYL.	4900	0	N/A	N/A	No History Available	<input type="checkbox"/>
H3286	1998	NISSAN/DATSUN	MAXIMA-V6	35866	0	\$355	18%	Below Minimum ROI	<input type="checkbox"/>
H3289	1998	NISSAN/DATSUN	MAXIMA-V8	30810	0	\$355	19%	Below Minimum ROI	<input type="checkbox"/>
H3279	1999	MAZDA	B2500 PICKUP-4 CYL.	31762	6	N/A	N/A	No History Available	<input type="checkbox"/>
H3283	1997	MAZDA	MX-6 MIATA-4 CYL.	34823	6	N/A	31%	Below Minimum ROI	<input type="checkbox"/>
A14414	1998	SUBARU	FORESTER- 4 CYL.	52403	18	N/A	N/A	No History Available	<input type="checkbox"/>
A14591	1998	VOLKSWAGEN	NEW BEETLE-4 CYL.	17806	17	N/A	N/A	No History Available	<input type="checkbox"/>

Total vehicles = 8



800

Figure 4: '051, Figure 8

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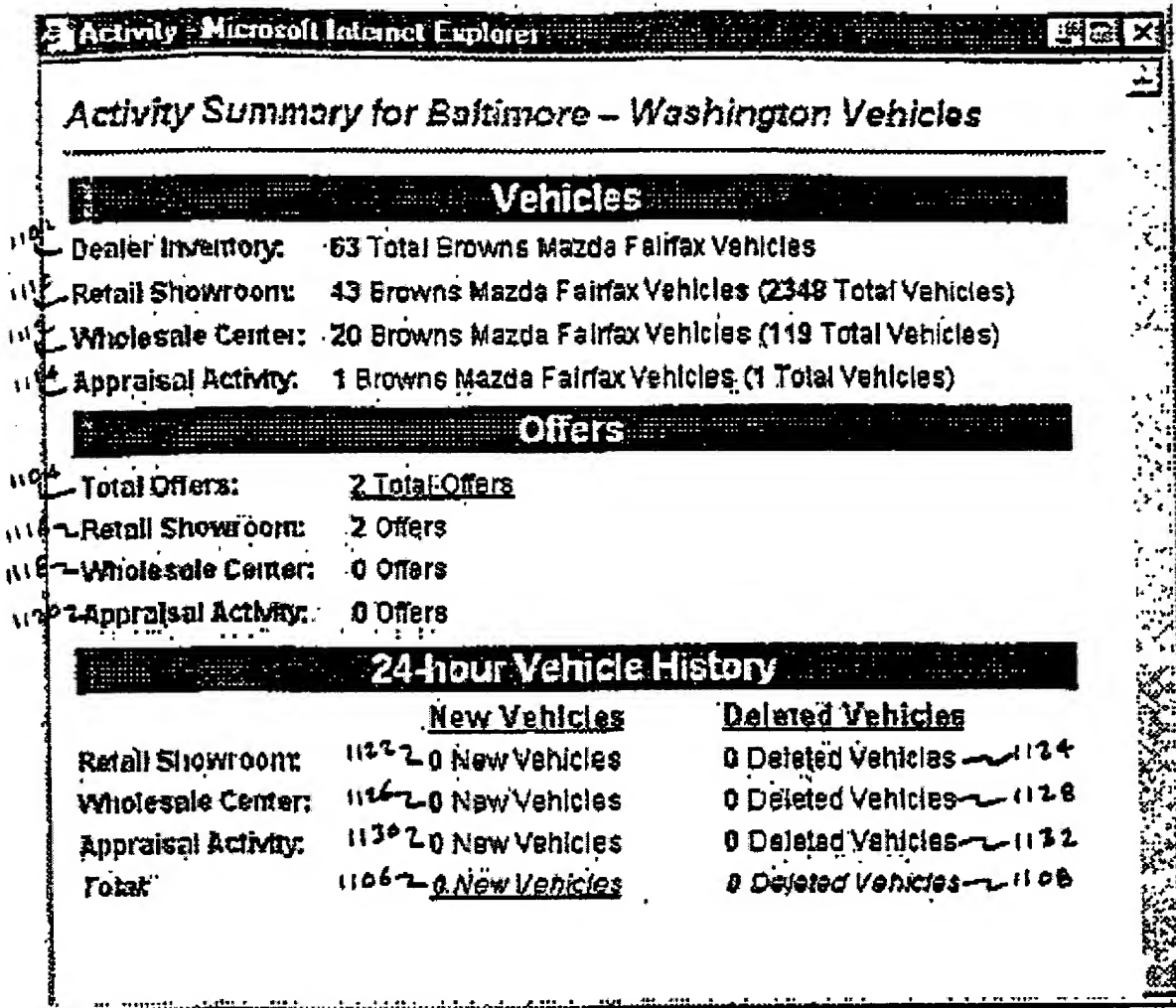


Figure 5: '051, Figure 11

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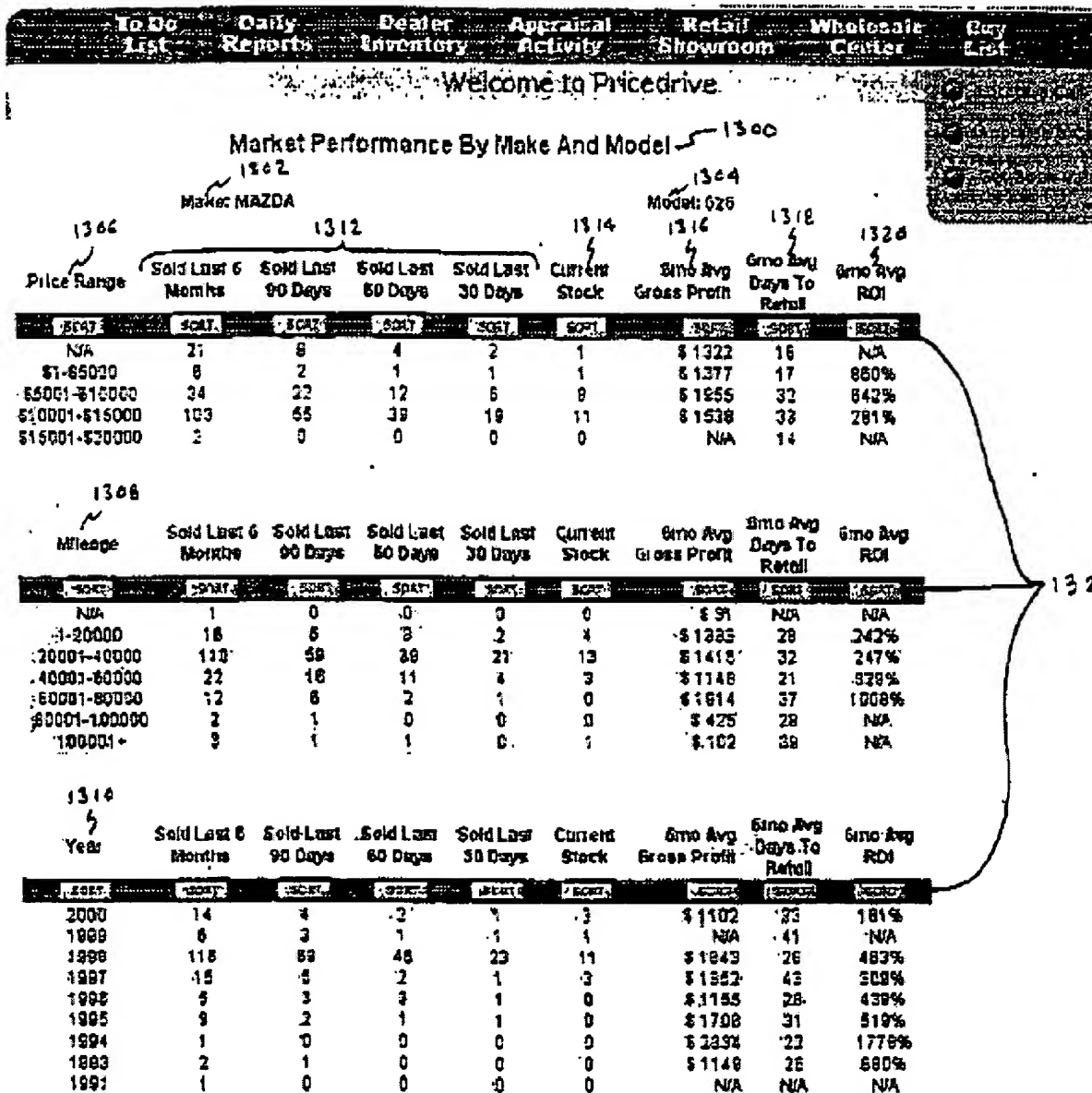


Figure 6: '051, Figure 13

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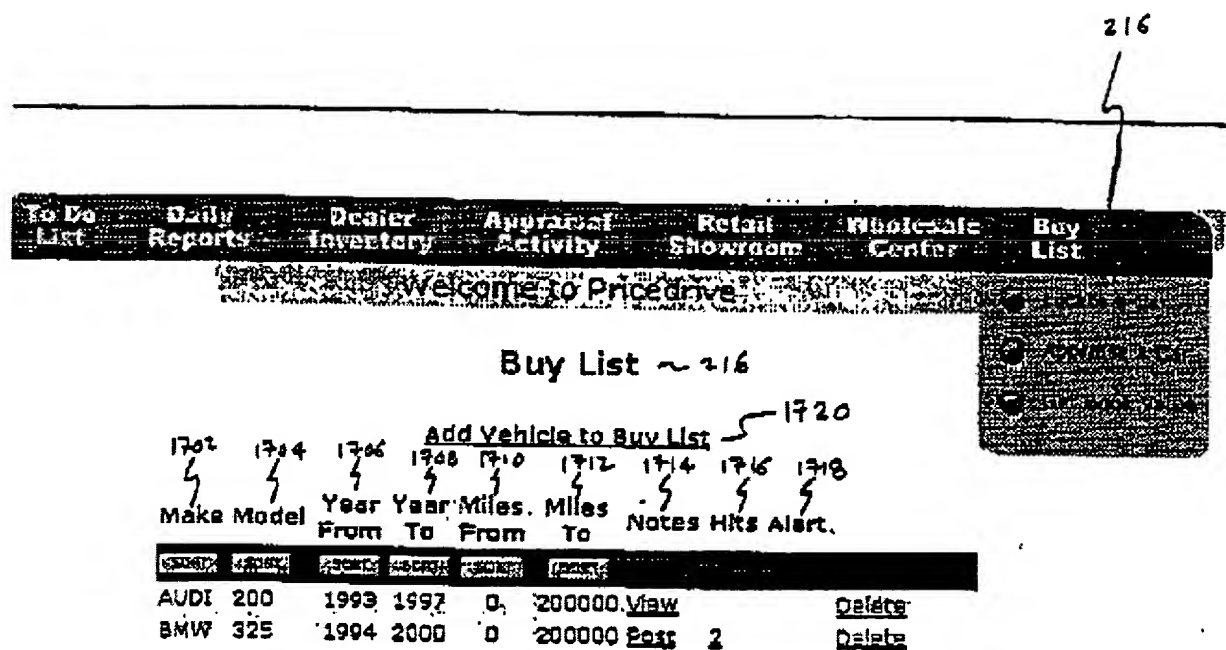


Figure 7: '051, Figure 17(a)

Regarding Claim 2 PriceDrive teaches a system and method for marketing products further comprising comparing the supply for each of the determined product classes to a respective threshold value (e.g. overaged, ROI, demand, inventory, costs, etc.), wherein designating a market comprising designating a market for those determined product classes which exceed the supply threshold values (reference D: Paragraph 1, Page 4; reference '051: Paragraphs 0048, 0057-0058, 0061).

Regarding Claims 3 and 12 PriceDrive teaches a system and method for marketing products further comprising designating a plurality of markets (sales, communities, trades, auction, etc.) for each of the product classes (reference C: Page

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6; reference D: Paragraph 1, Page 2; Paragraph 1, Page 5; reference '051: Paragraphs 0008, 0034, 0057, 0090).

Regarding Claims 4 and 13 PriceDrive teaches a system and method for marketing products further comprising offer the units of the supply of product for each of the designated market to the dealers who have demand for the corresponding product class (reference C: Pages 4, 6; reference '051: Paragraphs 0007-0008, 0087).

Regarding Claims 5 and 14 PriceDrive teaches a system and method for marketing products wherein the inventory profile is defined by the corresponding dealer (reference D: Paragraph 1, Page 5; reference '051: Paragraphs 0053, 0055, 0082, 0094; Figure 17a).

Regarding Claims 6 and 15 PriceDrive teaches a system and method for marketing products wherein the inventory profile is based on a sales history of the corresponding dealer (reference B: Paragraphs 1-2, Page 7; reference C: Page 4; reference '051: Paragraphs 0042-0043, 0082).

Regarding Claims 7 and 19 PriceDrive teaches a system and method for marketing products further comprising collecting the inventory information on a periodic (scheduled, recurring, regular, etc.) basis (reference B: Paragraphs 1-2, Page 7; reference C: Bullet 4, Page 6; reference '051: Paragraphs 0042-0043).

Regarding Claims 8 and 16 PriceDrive teaches a system and method for marketing products wherein suppliers includes dealers who have products in inventory which the dealer has deemed to be for sale at wholesale (reference B: Paragraphs 10-11, Page 7; reference C: Page 1; reference D: Paragraph 1, Page 3; Paragraph 1, Page 5; reference '051: Paragraphs 0051, 0053, 0056-0057; Figures 3a-3c).

Regarding Claims 9 and 17 PriceDrive teaches a system and method for marketing products wherein the products are used automobiles (reference A: Page 1; reference B: Page 1; reference C: Pages 1, 3-5; reference: '051: Abstract; Paragraphs 0007-0008).

Regarding Claims 10 and 18 PriceDrive teaches a system and method for marketing products wherein the suppliers include automobile lease companies (reference: '051: Paragraph 7).

Regarding Claim 11 PriceDrive teaches a system and method for marketing products comprising (reference A: Page 1; reference C: Page 1; reference D: Paragraph 1, Page 2; reference '051: Abstract; Paragraphs 0007-0008, 0034, 0042-0043, 0048-0052, 0090, 0094; Figures 3a-3c, 11-15, 17a-17b):

- collecting inventory information on a recurring (periodic, regular, scheduled, etc.) basis for each of a plurality of product classes (types, categories, styles, groups,

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etc.) from each of a plurality of the dealers (reference B: Paragraphs 1-2,10-11, Page 7; reference C: Paragraphs 2, 4, Page 1; Page 4; Bullet 4, Page 6; reference D: Paragraph 1, Page 3; reference '051: Paragraphs 0042-0043);

- determining, for each dealer, a current demand for one or more product classes based on the dealer inventory information and dealer inventory profile (reference C: Page 3; reference D: Paragraph 1, Page 3; reference '051: Paragraphs 0048-0052; Figure 2);

- aggregating the demands for each of the product classes respectively (reference D: Paragraph 4, Page 1; reference '051: Paragraphs 0042-0043, 0079);

- for each of the product classes, comparing the corresponding supply and demand to a threshold set of values for determining that ones of the product classes which have the supply and demand exceed the threshold values (reference D: Paragraph 1, Page 3; Paragraph 1, Page 5; reference '051: Paragraphs 0048, 0051, 0055, 0057);

- obtaining from the suppliers information identifying a supply of the products available for sale for each of the determined product classes (reference D: Paragraph 3, Page 3; reference '051: Paragraphs 0042-0043);

- designating a market (auction, potential sale/deal/trade, sale, etc.) for each of the determined ones of the product classes (reference B: Paragraph 4, Page 8; reference C: Paragraph 2, Page 1; reference D: Paragraph 1, Page 3; Paragraph 1, Page 4; Paragraph 1, Page 5; Paragraph 5, Page 11; Page 24; reference '051: Paragraphs 0008, 0034); and

- notifying, for each market, the dealers who have a demand for the product class of the market (reference B: Paragraph 3, Page 2; reference C: Bullet 6, Page 6; reference D: Paragraph 1, Page 3; Paragraph 7, Page 11; reference '051: 0056).

Regarding Claim 22 PriceDrive teaches a system and method for marketing products comprising (reference A: Page 1; reference B: Paragraphs 10-11, Page 7; Paragraphs 1-2, Page 8; reference C: Paragraph 2, Page 1; reference D: Paragraph 1, Page 2; Paragraph 1, Page 3; Paragraph 1, Page 4; Page 23; reference '051: Abstract; Paragraphs 0007-0008, 0034, 0042-0043, 0048-0052, 0090, 0094; Figures 3a-3c, 11-15, 17a-17b):

- collecting inventory information from a plurality of the buyers (reference B: Paragraphs 1-2, 10-11, Page 7; reference C: Paragraphs 2, 4, Page 1; Page 4; Bullet 4, Page 6; reference D: Paragraph 1, Page 3; reference '051: Paragraphs 0042-0043);

- determining, for each buyer, a current demand based on buyer inventory information and (desired) inventory profile (reference C: Page 3; reference D: Paragraph 1, Page 3; reference '051: Paragraphs 0048-0052; Figure 2);

- aggregating current product demand from each buyer to form a total current product demand for the plurality of buyers (reference D: Paragraph 4, Page 1; reference '051: Paragraphs 0007-0008, 0042-0043, 0079);

- identifying, from at least one supplier, an available supply of product which matches at least a portion of the current product demand determined from at least one buyer (reference '051: Paragraphs 0057, 0080, 0082, 0094-0095); and

- notifying at least a portion of the plurality of buyers which have a current product demand which corresponds to the available supply of product of the availability of the product (reference B: Paragraph 3, Page 2; reference C: Bullet 6, Page 6; reference D: Paragraph 1, Page 3; Paragraph 7, Page 11; reference '051: 0056).

Regarding Claim 23 PriceDrive teaches a system and method for marketing products further comprising determining a current supply of products from a plurality of suppliers and aggregating current supply of products from each supplier to form a total available supply of products from the plurality of suppliers (reference C: Pages 3-5; reference '051: Paragraphs 0057, 0084, 0087).

Regarding Claim 27 PriceDrive teaches a system and method for marketing products comprising (reference A: Page 1; reference B: Paragraphs 10-11, Page 7; Paragraphs 1-2, Page 8; reference C: Paragraph 2, Page 1; reference D: Paragraph 1, Page 2; Paragraph 1, Page 3; Paragraph 1, Page 4; Page 23; reference '051: Abstract; Paragraphs 0007-0008, 0034, 0042-0043, 0048-0052, 0090, 0094; Figures 3a-3c, 11-15, 17a-17b):

- collecting inventory information from each of a plurality of buyers (dealers) including collection inventory information for each of a plurality of products from each of the plurality of buyers (reference B: Paragraphs 1-2,10-11, Page 7; reference C: Paragraphs 2, 4, Page 1; Page 4; Bullet 4, Page 6; reference D: Paragraph 1, Page 3; reference '051: Paragraphs 0042-0043);

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- determining a current product demand for each buyer based on a desired inventory profile (Buy List) for that buyer and collection inventory information from that buyer (reference C: Page 3; reference D: Paragraph 1, Page 3; reference '051: Paragraphs 0048-0052, 0057; Figure 2);

- identifying, from at least one supplier (wholesaler, dealer, etc.), an available supply of product, which matches at least a portion of the current product demand determined for at least one buyer, and includes determining a current product demand for each of the plurality of products for each buyer (reference '051: Paragraphs 0057, 0080, 0082, 0094-0095);

- comparing the current product demand for each of the plurality of products to corresponding demand thresholds (reference D: Paragraph 1, Page 3; Paragraph 1, Page 5; reference '051: Paragraphs 0048, 0051, 0053, 0055, 0057); and

- notifying at least a portion of the plurality of buyers which have a current product demand which corresponds to the available supply of product (reference B: Paragraph 3, Page 2; reference C: Bullet 6, Page 6; reference D: Paragraph 1, Page 3; Paragraph 7, Page 11; reference '051: 0056); and

- notifying buyers of the availability of the supply of products for specific ones of the plurality of products the demand for which exceeds the corresponding predetermined threshold (reference B: Paragraph 3, Page 2; reference C: Bullet 6, Page 6; reference D: Paragraph 1, Page 3; Paragraph 7, Page 11; reference '051: 0056).

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Regarding Claim 29 PriceDrive teaches a system and method for marketing products comprising (reference A: Page 1; reference B: Paragraphs 10-11, Page 7; Paragraphs 1-2, Page 8; reference C: Paragraph 2, Page 1; reference D: Paragraph 1, Page 2; Paragraph 1, Page 3; Paragraph 1, Page 4; Page 23; reference '051: Abstract; Paragraphs 0007-0008, 0034, 0042-0043, 0048-0052, 0090, 0094; Figures 3a-3c, 11-15, 17a-17b):

- collecting inventory information from each of a plurality of buyers (dealers) (reference B: Paragraphs 1-2, 10-11, Page 7; reference C: Paragraphs 2, 4, Page 1; Page 4; Bullet 4, Page 6; reference D: Paragraph 1, Page 3; reference '051: Paragraphs 0042-0043);

- determining a current product demand for each buyer based on a desired inventory profile for that buyer and collection inventory information from that buyer wherein the inventory profile is based on the sales history for that buyer (reference C: Page 3; reference D: Paragraph 1, Page 3; Paragraph 1, Page 5; reference '051: Paragraphs 0042-0043, 0048-0052, 0057, 0082; Figure 2);

- identifying, from at least one supplier (wholesaler, dealer, etc.), an available supply of product, which matches at least a portion of the current product demand determined for at least one buyer, and includes determining a current product demand for each of the plurality of products for each buyer (reference '051: Paragraphs 0057, 0080, 0082, 0094-0095); and

- notifying at least a portion of the plurality of buyers which have a current product demand which corresponds to the available supply of product (reference B:

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Paragraph 3, Page 2; reference C: Bullet 6, Page 6; reference D: Paragraph 1, Page 3; Paragraph 7, Page 11; reference '051: 0056).

Regarding Claim 33 PriceDrive teaches a system and method for marketing products comprising (reference A: Page 1; reference B: Paragraphs 10-11, Page 7; Paragraphs 1-2, Page 8; reference C: Paragraph 2, Page 1; reference D: Paragraph 1, Page 2; Paragraph 1, Page 3; Paragraph 1, Page 4; Page 23; reference '051: Abstract; Paragraphs 0007-0008, 0034, 0042-0043, 0048-0052, 0090, 0094; Figures 3a-3c, 11-15, 17a-17b):

- collecting inventory information from each of a plurality of buyers (dealers) (reference B: Paragraphs 1-2, 10-11, Page 7; reference C: Paragraphs 2, 4, Page 1; Page 4; Bullet 4, Page 6; reference D: Paragraph 1, Page 3; reference '051: Paragraphs 0042-0043);

- determining a current product demand for each buyer based on a desired inventory profile for that buyer and collection inventory information from that buyer (reference C: Page 3; reference D: Paragraph 1, Page 3; Paragraph 1, Page 5; reference '051: Paragraphs 0042-0043, 0048-0052, 0057, 0082; Figure 2);

- determining an available supply of product for each of a plurality of products from each of a plurality of suppliers (reference '051: Paragraphs 0057, 0061, 0084, 0087);

- based on the current product demand for at least a portion of the plurality of products for at least a portion of the plurality of buyers and based on the available

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supply of products from at least a portion of the plurality of suppliers, identifying at least one supplier having an available supply which matches at least a portion of the current product demand determined for at least one buyer (reference '051: Paragraphs 0057, 0080, 0082, 0094-0095); and

- notifying at least one buyer of the availability of the available supply of product (reference B: Paragraph 3, Page 2; reference C: Bullet 6, Page 6; reference D: Paragraph 1, Page 3; Paragraph 7, Page 11; reference '051: 0056).

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8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-19, 22-23, 27, 29 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Hall et al., U.S. Patent Publication No. 2002/0194051.

Regarding Claim 1 Hall et al. teach a system and method for marketing products, which are purchase and sold by dealers and are provided by suppliers, comprising (Abstract; Paragraphs 0007-0008, 0034, 0042-0043, 0048-0052, 0090, 0094; Figures 3a-3c, 11-15, 17a-17b):

- collecting inventory information on a recurring (periodic, regular, scheduled, etc.) basis for each of a plurality of product classes (types, categories, styles, groups, etc.) from each of a plurality of the dealers (Paragraphs 0042-0043);

- determining, for each dealer, a current demand for one or more product classes based on the dealer inventory information and dealer inventory profile (Paragraphs 0048-0052; Figure 2);

- aggregating the demands for each of the product classes respectively (Paragraphs 0042-0043, 0079);

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- for each of the product classes, comparing the corresponding demands to a threshold set of values for determining that ones of the product classes which have demand exceeding the threshold (goal, target, ideal, etc.) values (Paragraphs 0048, 0051, 0055, 0057);
- obtaining from the suppliers information identifying a supply of the products available for sale for each of the determined product classes (Paragraphs 0042-0043);
- designating a market (auction, potential sale/deal/trade, sale, etc.) for each of the determined ones of the product classes (Paragraphs 0008, 0034); and
- notifying, for each market, the dealers who have a demand for the product class of the market (Paragraph 0056).

Regarding Claim 2 Hall et al. teach a system and method for marketing products further comprising comparing the supply for each of the determined product classes to a respective threshold value (e.g. overaged, ROI, demand, inventory, costs, etc.), wherein designating a market comprising designating a market for those determined product classes which exceed the supply threshold values (Paragraphs 0048, 0057-0058, 0061).

Regarding Claims 3 and 12 Hall et al. teach a system and method for marketing products further comprising designating a plurality of markets (sales, communities, trades, auction, etc.) for each of the product classes (Paragraphs 0008, 0034, 0057, 0090).

Regarding Claims 4 and 13 Hall et al. teach a system and method for marketing products further comprising offer the units of the supply of product for each of the designated market to the dealers who have demand for the corresponding product class (Paragraphs 0007-0008, 0087).

Regarding Claims 5 and 14 Hall et al. teach a system and method for marketing products wherein the inventory profile is defined by the corresponding dealer (Paragraphs 0053, 0055, 0082, 0094; Figure 17a).

Regarding Claims 6 and 15 Hall et al. teach a system and method for marketing products wherein the inventory profile is based on a sales history of the corresponding dealer (Paragraphs 0042-0043, 0082).

Regarding Claims 7 and 19 Hall et al. teach a system and method for marketing products further comprising collecting the inventory information on a periodic (scheduled, recurring, regular, etc.) basis (Paragraphs 0042-0043).

Regarding Claims 8 and 16 Hall et al. teach a system and method for marketing products wherein suppliers includes dealers who have products in inventory which the dealer has deemed to be for sale at wholesale (Paragraphs 0051, 0053, 0056-0057; Figures 3a-3c).

Regarding Claims 9 and 17 Hall et al. teach a system and method for marketing products wherein the products are used automobiles (Abstract; Paragraphs 0007-0008).

Regarding Claims 10 and 18 Hall et al. teach a system and method for marketing products wherein the suppliers include automobile lease companies (Paragraph 7).

Regarding Claim 11 Hall et al. teach a system and method for marketing products comprising (Abstract; Paragraphs 0007-0008, 0034, 0042-0043, 0048-0052, 0090, 0094; Figures 3a-3c, 11-15, 17a-17b):

- collecting inventory information on a recurring (periodic, regular, scheduled, etc.) basis for each of a plurality of product classes (types, categories, styles, groups, etc.) from each of a plurality of the dealers (Paragraphs 0042-0043);

- determining, for each dealer, a current demand for one or more product classes based on the dealer inventory information and dealer inventory profile (Paragraphs 0048-0052; Figure 2);

- aggregating the demands for each of the product classes respectively (Paragraphs 0042-0043, 0079);

- for each of the product classes, comparing the corresponding supply and demand to a threshold set of values for determining that ones of the product classes which have the supply and demand exceed the threshold values (Paragraphs 0048, 0051, 0055, 0057);

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- obtaining from the suppliers information identifying a supply of the products available for sale for each of the determined product classes (Paragraphs 0042-0043);
- designating a market (auction, potential sale/deal/trade, sale, etc.) for each of the determined ones of the product classes (Paragraphs 0008, 0034); and
- notifying, for each market, the dealers who have a demand for the product class of the market (Paragraph 0056).

Regarding Claim 22 Hall et al. teach a system and method for marketing products comprising (Abstract; Paragraphs 0007-0008, 0034, 0042-0043, 0048-0052, 0090, 0094; Figures 3a-3c, 11-15, 17a-17b):

- collecting inventory information from a plurality of the buyers (Paragraphs 0042-0043);
- determining, for each buyer, a current demand based on buyer inventory information and (desired) inventory profile (Paragraphs 0048-0052; Figure 2);
- aggregating current product demand from each buyer to form a total current product demand for the plurality of buyers (Paragraphs 0007-0008, 0042-0043, 0079);
- identifying, from at least one supplier, an available supply of product which matches at least a portion of the current product demand determined from at least one buyer (Paragraphs 0057, 0080, 0082, 0094-0095); and
- notifying at least a portion of the plurality of buyers which have a current product demand which corresponds to the available supply of product of the availability of the product (Paragraph 0056).

Regarding Claim 23 Hall et al. teach a system and method for marketing products further comprising determining a current supply of products from a plurality of suppliers and aggregating current supply of products from each supplier to form a total available supply of products from the plurality of suppliers (Paragraphs 0057, 0084, 0087).

Regarding Claim 27 Hall et al. teach a system and method for marketing products comprising (Abstract; Paragraphs 0007-0008, 0034, 0042-0043, 0048-0052, 0090, 0094; Figures 3a-3c, 11-15, 17a-17b):

- collecting inventory information from each of a plurality of buyers (dealers) including collection inventory information for each of a plurality of products from each of the plurality of buyers (Paragraphs 0042-0043);

- determining a current product demand for each buyer based on a desired inventory profile (Buy List) for that buyer and collection inventory information from that buyer (Paragraphs 0048-0052, 0057; Figure 2);

- identifying, from at least one supplier (wholesaler, dealer, etc.), an available supply of product, which matches at least a portion of the current product demand determined for at least one buyer, and includes determining a current product demand for each of the plurality of products for each buyer (Paragraphs 0057, 0080, 0082, 0094-0095);

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- comparing the current product demand for each of the plurality of products to corresponding demand thresholds (Paragraphs 0048, 0051, 0053, 0055, 0057); and
- notifying at least a portion of the plurality of buyers which have a current product demand which corresponds to the available supply of product (Paragraph 0056); and
- notifying buyers of the availability of the supply of products for specific ones of the plurality of products the demand for which exceeds the corresponding predetermined threshold (Paragraph 0056).

Regarding Claim 29 Hall et al. teach a system and method for marketing products comprising (Abstract; Paragraphs 0007-0008, 0034, 0042-0043, 0048-0052, 0090, 0094; Figures 3a-3c, 11-15, 17a-17b):

- collecting inventory information from each of a plurality of buyers (dealers) (Paragraphs 0042-0043);
- determining a current product demand for each buyer based on a desired inventory profile for that buyer and collection inventory information from that buyer wherein the inventory profile is based on the sales history for that buyer (Paragraphs 0042-0043, 0048-0052, 0057, 0082; Figure 2);
- identifying, from at least one supplier (wholesaler, dealer, etc.), an available supply of product, which matches at least a portion of the current product demand determined for at least one buyer, and includes determining a current product demand

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for each of the plurality of products for each buyer (Paragraphs 0057, 0080, 0082, 0094-0095); and

- notifying at least a portion of the plurality of buyers which have a current product demand which corresponds to the available supply of product (Paragraph 0056).

Regarding Claim 33 Hall et al. teach a system and method for marketing products comprising (Abstract; Paragraphs 0007-0008, 0034, 0042-0043, 0048-0052, 0090, 0094; Figures 3a-3c, 11-15, 17a-17b):

- collecting inventory information from each of a plurality of buyers (dealers) (Paragraphs 0042-0043);

- determining a current product demand for each buyer based on a desired inventory profile for that buyer and collection inventory information from that buyer (Paragraphs 0042-0043, 0048-0052, 0057, 0082; Figure 2);

- determining an available supply of product for each of a plurality of products from each of a plurality of suppliers (Paragraphs 0057, 0061, 0084, 0087);

- based on the current product demand for at least a portion of the plurality of products for at least a portion of the plurality of buyers and based on the available supply of products from at least a portion of the plurality of suppliers, identifying at least one supplier having an available supply which matches at least a portion of the current product demand determined for at least one buyer (Paragraphs 0057, 0080, 0082, 0094-0095); and

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- notifying at least one buyer of the availability of the available supply of product
(Paragraph 0056).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Shorten, James, U.S. Patent No. 3,596,388, teaches an automobile dealership inventory and sales data management system and method.

- Shavit et al., U.S. Patent No. 4,799,156, teach an online marketplace for marketing products between a plurality of sellers and buyers.

- Bernet et al., U.S. Patent No. 5,774,873, teach a system and method for marketing pre-owned vehicles (plurality of product classes: trucks, cars, etc.) between a plurality of buyers and suppliers (dealers) comprising auctions, a vehicle stock locator (search, profile matching), market reports and inventory management/tracking.

- Seretti et al., U.S. Patent No. 5,978,776, teach a system and method for marketing new or used vehicles (plurality of product classes: make, model, year, etc.) amongst a plurality of suppliers and buyers (dealers, wholesalers, etc.)

- Halbert et al., U.S. Patent No. 6,101,484, teach a demand-driven online marketing system and method for marketing products amongst a plurality of buyers and suppliers.

- Pallakoff, Matthew, U.S. Patent No. 6,269,343, teaches an online marketing system for marketing a plurality of products amongst a plurality of buyers and suppliers comprising aggregating demand, comparing supply/demand to a set of threshold values and demand-based pricing.

- Sage, Mike, U.S. Patent No. 6,397,226, teach a system and method for marketing a plurality of products (automobiles) amongst a plurality of suppliers and buyers (dealers) comprising inventory data, buyer demand data/profile and demand/supply matching (search).

- Brown et al., U.S. Patent No. 6,470,324, teach a system and method for dealer inventory management wherein the system/method recommends the types of vehicles (mix of product classes) a dealer should order based on at least demand, inventory and historical sales information as well as determining the ideal sales mix for the dealer by comparing the dealers ideal sales mix to the sales mix of vehicles available to the dealer.

- Hare et al., U.S. Patent No. 6,850,900, teaches an online marketplace system and method for marketing a plurality of products between a plurality of suppliers and buyers.

- Kahana, Mordechai, U.S. Patent Publication No. 2002/0049663, teaches a system and method for marketing used automobiles between a plurality of buyers and suppliers.

- Boyden et al., U.S. Patent Publication No. 2002/0194051, teach an online business-to-business marketplace for marketing used automobiles in the wholesale market comprising auctions, matching buyer (dealer) criteria (profile) to supplier inventory information, a plurality of reports (e.g. sales volume, market summary, auction summary), used vehicle valuation and inventory management/tracking.

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- Wagoner et al., U.S. Patent Publication No. 2006/0074792, teach a system and method for marketing vehicles between a plurality of buyers and suppliers.

- Bonnie, Fred, Finding the cars your customers want and selling the ones they don't (1995) teaches the old and very well known marketing/remarketing of used vehicles between dealers/wholesalers as a mechanism for ensuring dealers have the appropriate mix of products in stock.

- Chrysler CyberLots to offer virtual vehicle remarketing (1998), teaches an online system and method for marketing used automobiles between a plurality of buyers and suppliers.

- Bradsher, Keith, More Cars Going, Going, Gone to Auction (1998), teaches the well-known method of marketing used cars utilizing both online and offline auctions.

- McKeown et al., Manheim Auction Case Study (1999), teaches a system and method for marketing used vehicles online comprising auctions, dealer/supplier information and demand information.

- Autobytel.com Accelerates Business-to-Business Offerings (2000), teaches an online business-to-business system and method for marketing used cars.

- AutoTradeCenter Internet Remarketing Joins Auction Lanes with Honda Finance (2001), teaches an online system and method for marketing used cars comprising auctions, dealer demand and supplier inventory information.

- Autodaq Corporation Launches Autodaq Allied Auctions (2001), teaches an online automotive remarketing and business-to-business trade marketplace.

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- Auto\$ense Product Brochure (2000), teaches a commercially available product enabling dealers to determine their ideal/optimal product stock as well as “determine vehicles to purchase and sell at auction” based on sales, demand and inventory information.

- Auto\$ense Moberly Motors Report (2000) a commercially available product enabling dealers to determine their ideal/optimal product stock as well as determine vehicles to purchase and sell at auction based on at least in part sales, demand and inventory information.

- Autodaq.com Web Pages (2001) teaches an online system and method for marketing/remarketing used vehicles.

- LiveLane.com Web Pages (2001) teaches an online system and method for marketing/remarketing used vehicles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

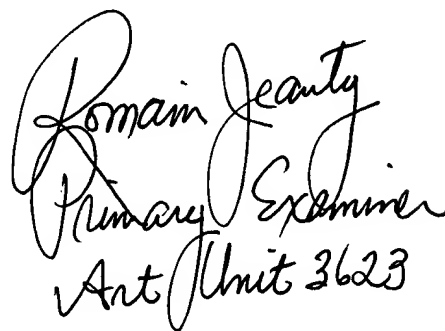
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


SJ

9/24/2006


Romain Jeanty
Primary Examiner
Art Unit 3623